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Aguilera v. Inservices, Inc.

In Aguilera v. Inservices, Inc., No. SC03-368 (Fla. June 16, 2005), the Florida Supreme Court held that Florida's Workers' Compensation Law does not eliminate a tort action against an insurance carrier who utilizes the claims administration process to intentionally injure a worker. Rather, workers' compensation laws were only intended to provide employers and insurance carriers with immunity for negligent workplace conduct which produced a workplace injury.

The court rejected the contention that an independent tort can never exist within the claims administration process or that for an intentional tort claim to have validity, it must be an act totally separate and apart from the claims process itself. It held that the workers' compensation system does not immunize a workers' compensation carrier from any intentional acts of wrongdoing and does not limit a carrier's accountability for its intentional misconduct exclusively to intentional acts occurring independently of the claims handling process.

The court stated that it did not recede from the long-established rule that the conduct alleged by an employee must rise to the level tantamount to intentional tortious conduct to preclude an insurance carrier from prevailing with statutory immunity. An employee must allege conduct that is or is tantamount to an independent tort. In addition, the court recognized the continued viability of cases holding that the mere delay of payments or simple bad faith in handling workers' compensation claims are not actionable torts. But when the claim is for harm caused by an intentional tort upon the employee subsequent to and distinct from the original workplace injury, insurance carriers cannot "cloak themselves with blanket immunity." It is up to the trial court to analyze the employee's allegations and ascertain whether the allegations amount to a mere delay in payments, simple bad faith, or truly rise to the level of a separate and independent intentional tort.

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